

LEGISLATIVE RESEARCH COMMISSION

**REPORT
TO THE**

1979

**GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND SESSION, 1980**



**COMMITTEE PROGRESS
REPORTS**

LEGISLATIVE RESEARCH COMMISSION

REPORT

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SECOND SESSION, 1980



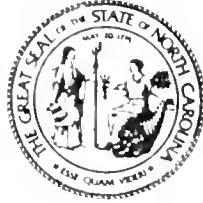
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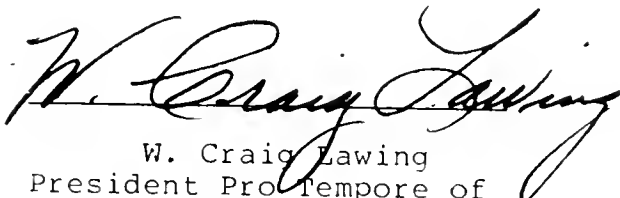
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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



TO MEMBERS OF THE 1979 GENERAL ASSEMBLY (SECOND SESSION 1980):

The Legislative Research Commission hereby submits to the members of the 1979 General Assembly (Second Session 1980) a progress report of the studies assigned to the Commission by the 1979 General Assembly.


W. Craig Lawing
President Pro Tempore of
the Senate

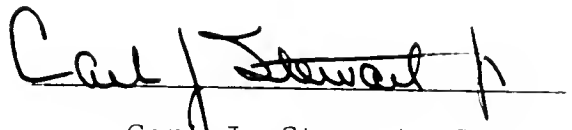

Carl J. Stewart, Jr.
Speaker of the House of
Representatives

TABLE OF CONTENTS

	Page
Introduction	3
Legislative Research Commission Membership	5
Statutes	6
Grouping of Studies	11
1979-81 Legislative Research Commission Studies Budget ..	13
Education	14
Energy	19
Environment	22
Human Resources	19
Legal Matters	31
Liquor Laws and Land Registration	35
Motor Vehicles	38
Public Property	41
Public Service	45
Taxation	51
Administrative Rules Review Committee	54
Statutes on Review of Administrative Rules	55

LEGISLATIVE RESEARCH COMMISSION

INTRODUCTION

The North Carolina Legislative Research Commission is an interim study organization of the General Assembly. Authorized by North Carolina General Statutes §120-30.10 through §120-30.18, the Research Commission undertakes studies by direction of resolutions from the preceding legislative session or by direction of the commission chairmen. The commission is chaired by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and the chairmen appoint five members from their respective houses. By tradition, the Research Commission has produced its studies working through committees chaired by Research Commission members and made up of other members of the General Assembly assisted by advisory members from outside the General Assembly.

The 1979 General Assembly adjourned its First Session on June 8, 1979. The Second Session will convene June 5, 1980.

The bills which will be eligible for consideration during the second session are mentioned in the adjournment resolution (Resolution 84, S.J.R. 933). The Second Session will consider bills "directly affecting the State budget for fiscal year 1980-81...." However, among the other matters that are eligible for consideration are "...bills implementing the reports of study commissions which have been authorized or directed to make final or interim reports and recommendation to the 1979 General

Assembly, Second Session 1980...." The work of the 1979-80 Legislative Research Commission will be spread over two interim periods: (1) the interim between the two parts of the 1979 General Assembly - the First Session 1979 and the Second Session 1980, and (2) the interim between the adjournment of the 1979 General Assembly, Second Session 1980, and the convening of the 1981 General Assembly. Some of the studies will be completed and available for the information of the session in 1980, but most will be completed during the second interim period and available to the session in 1981.

This publication lists the Research Commission and committee members, outlines the study assignments and organization, and summarizes the work product of the Research Commission committees during the first interim. No attempt has been made to summarize those studies for which final committee reports have been made to the 1979 General Assembly Second Session 1980. Those reports have been distributed to the General Assembly's members; and copies are available through the Legislative Library.

1979-81

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

House Speaker Carl J. Stewart, Jr.

Chairman

Representative Chris S. Barker, Jr.

Representative John R. Gamble, Jr.

Representative H. Parks Helms

Representative John J. Hunt

Representative Lura S. Tally

Senate President Pro Tempore

W. Craig Lawing, Chairman

Senator Henson P. Barnes

Senator Melvin Daniels, Jr.

Senator Carolyn Mathis

Senator R. C. Soles, Jr.

Senator Charles Vickery

Article 6B.

Legislative Research Commission.

§ 120-30.10. Creation; appointment of members; members ex officio.--(a) There is hereby created a Legislative Research Commission to consist of five Senators to be appointed by the President pro tempore of the Senate and five Representatives to be appointed by the Speaker of the House. The President pro tempore of the Senate and the Speaker of the House shall be ex officio members of the Legislative Research Commission. Provided, that when the President of the Senate has been elected by the Senate from its own membership, then the President of the Senate shall make the appointments of the Senate members of the Legislative Research Commission, shall serve ex officio as a member of the Commission and shall perform the duties otherwise vested in the President pro tempore by G.S. 120-30.13 and 120-30.14.

(b) The cochairmen of the Legislative Research Commission may appoint additional members of the General Assembly to work with the regular members of the Research Commission on study committees. The terms of the additional study committee members shall be limited by the same provisions as apply to regular commission members, and they may be further limited by the appointing authorities.

(c) The cochairmen of the Legislative Research Commission may appoint persons who are not members of the General Assembly to

advisory subcommittees. The terms of advisory subcommittee members shall be limited by the same provisions as apply to regular Commission members, and they may be further limited by the appointing authorities. (1965, c. 1045, s. 1; 1975, c. 692, s. 1.)

§ 120-30.11. Time of appointments; terms of office.--Appointments to the Legislative Research Commission shall be made within 15 days subsequent to the close of each regular session of the General Assembly held in the odd-numbered years. The term of office shall begin on the day of appointment, and shall end on the date when the next biennial session of the General Assembly convenes in the following odd-numbered calendar year or at the time of appointment of the subsequent Commission, whichever shall be later. (1965, c. 1045, s. 2; 1975, c. 692, s. 2; 1977, c. 915, s. 4.)

§ 120-30.12. Vacancies.--Vacancies in the appointive membership of the Legislative Research Commission occurring during a term shall be filled for the unexpired term by appointment by the officer who made the original appointment. Vacancies in the ex officio membership shall be filled for the unexpired term by election by the remaining members of the Commission. Every vacancy shall be filled by a member of the same house as that of the person causing the vacancy.

If for any reason the office of President pro tempore of the Senate becomes vacant, the five Senate members of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted

pursuant to this Article, and such Senator so elected shall serve until the Senate shall elect a President pro tempore. If for any reason the office of Speaker of the House of Representatives becomes vacant, the five members of the House of Representatives of the Legislative Research Commission shall elect one of their own number to perform and exercise the duties imposed and powers granted pursuant to this Article, and such member of the House of Representatives so elected shall serve until the House of Representatives shall elect a Speaker. (1965, c. 1045, s. 3; 1969, c. 1051.)

§ 120-30.13. Cochairmen; rules of procedure; quorum.--The President pro tempore of the Senate and the Speaker of the House shall serve as cochairmen of the Legislative Research Commission. The Commission shall adopt rules of procedure governing its meetings. Eight members, including ex officio members, shall constitute a quorum of the Commission. (1965, c. 1045, s. 4.)

§ 120-30.14. Meetings.--The first meeting of the Legislative Research Commission shall be held at the call of the President pro tempore of the Senate in the State Legislative Building. Thereafter the Commission shall meet at the call of the chairmen. Every member of the preceding General Assembly has the right to attend all sessions of the Commission, and to present his views at the meeting on any subject under consideration. (1965, c. 1045, s. 5.)

§ 120-30.15: Repealed by Session Laws 1969, c. 1184, s. 8.

§ 120-30.16. Cooperation with Commission.--The Legislative Research Commission may call upon any department, agency,

institution, or officer of the State or of any political subdivision thereof for such facilities and data as may be available, and these departments, agencies, institutions, and officers shall cooperate with the Commission and its committees to the fullest possible extent. (1965, c. 1045, s. 7.)

§ 120-30.17. Powers and duties.--The Legislative Research Commission has the following powers and duties:

- (1) Pursuant to the direction of the General Assembly or either house thereof, or of the chairmen, to make or cause to be made such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner.
- (2) To report to the General Assembly the results of the studies made. The reports may be accompanied by the recommendations of the Commission and bills suggested to effectuate the recommendations.
- (3), (4) Repealed by Session Laws 1969, c. 1184, s. 8.
- (5) To review the rules of all administrative agencies pursuant to Article 6C of this Chapter to determine whether or not the agencies acted within their statutory authority in promulgating the rules.
- (6) To meet during the regular session of the General Assembly only for the purposes of reviewing rules pursuant to G.S. 120-30.35. (1965, c. 1045, s. 8; 1969, c. 1184, s. 8; 1977, c. 915, s. 3.)

§ 120-30.18. Facilities; compensation of members; payments from appropriations.--The facilities of the State Legislative Building shall be available to the Commission for its work. Members of the General Assembly serving on the Legislative Research Commission or its study committees shall be reimbursed for travel and subsistence expenses at the rates set out in G.S. 120-3.1. Advisory subcommittee members shall be reimbursed and compensated at the rates set out in G.S. 138-5 (public members) and G.S. 138-6 (State officials or employees). All expenses of the Commission shall be paid from funds appropriated for the Commission. (1965, c. 1045, s. 8; 1969, c. 1184, s. 8; 1977, c. 915, s. 3.)

GROUPING OF STUDIES

<u>Study Subjects</u>	<u>Commission Member Responsible</u>	<u>Page</u>
I. Education	Rep. Tally	
Public School Dropouts		14
Public School Facility Needs		16
School Finance Studies		17
II. Energy	Rep. Hunt	
Gasohol		19
Hydroelectric Generation		19
III. Environment	Sen. Barnes	
Waste Disposal		22
Sports Arena		23
IV. Human Resources	Rep. Gamble	
Aging		26
Adoption		28
Wilderness Camp		29
V. Legal Matters	Rep. Helms	
Evidence and Comparative Negligence		31
Products Liability		33
VI. Liquor Laws and Land Registration	Sen. Vickery	
Liquor Laws and Proof Liter Taxation		35
Alien Land Ownership		36
VII. Motor Vehicles	Sen. Soles	
Drivers Education and School Bus Drivers		38
Radar and Devices for Measuring Speed		39
VIII. Public Property	Sen. Daniels	
Central Piedmont Park Study		41
Public Facilities Design		43
IX. Public Service	Rep. Barker	
Rescue Squads Retirement Incentives		45
Alternative Work Schedules		46

Temporary State Employees		
Retirement Coverage		47
Law Enforcement Officers		
Salary Continuation Plan		49
X. Taxation	Sen. Mathis	
State Revenue Sharing		51
Revenue Laws		52
XI. Administrative Rules Review		54

1979-81 LEGISLATIVE RESEARCH COMMISSION STUDIES BUDGET

STUDY	SPONSOR	BUDGET	REPORT DATE	STAFF
Public School Dropouts	Greenwood	\$6,000	1981	Knight
Public School Facilities		\$6,000	3/1/80	Fuerst/Knight
School Finance		\$6,000	1981	Knight/Cohen
Gasohol	James/Barnes	\$6,000	1980	Turner
Hydroelectric Generation	J.H. Jordan	\$6,000	1981	Hunt
Waste Disposal	Alford	\$8,000	1980/81	Hunt/Christian
Sports Arena (Cont.)	Allsbrook	\$3,300	1981	Airall/Ball
Problems of Aging (Cont.)	Messer/Raynor	\$9,000	1980/81	Young/Cohen
Adopted Children	Seymour	\$6,000	1980/81	Frost/Young/ Sabre
Wilderness Camp	Renfrow	\$3,000	1981	Young
Evidence and Comparative Negligence	Helms/Barnes	\$9,000	1981	Hunt/Turner/Bryan
Products Liability	Tison/Jordan	\$6,000	1981	Hale/Airall
Liquor Laws and Proof-Liter Tax	Campbell	\$8,000	1980/81	Turner/Crowell
Alien Land Ownership	V. White/Church	\$3,000	1981	Hale
Driver's Education and School Bus Drivers Programs	Renfrow	\$6,000	1981	Knight
Radar and Devices for Measuring Speed	J. Edwards	\$3,000	1980	Hale/Christian
Central Piedmont State Park	Varner/Childers	\$6,000	1981	Christian/Bryan
Public Facilities Design	Raynor	\$6,000	1981	Frost/Bryan
Rescue Squads Retirement	B. Etheridge	\$3,000	1981	Page/Sabre
Alternative Work Schedules	W. Woodard	\$3,000	1981	Page
Temporary State Employees Retirement	Hardison/Nye	\$6,000	1981	Christian/Page/ Sabre
Law Enforcement Officers Salary Continuation Plan	Renfrow	\$6,000	1980	Page/Sabre
State Revenue Sharing	Bell	\$8,000	1981	Frost/Cohen
Revenue Laws (Cont.)	Hill/Lilley	\$8,000	1980/81	White/Cohen

I. EDUCATION STUDY GROUP

Assigned Studies:

PUBLIC SCHOOL DROPOUTS (1979, c. 1039 (H.B. 409))

Committee Members:

Speaker's Appointments

Rep. Gordon Greenwood
Cochairman
Box 487
Black Mountain, N.C. 28711

Rep. Gus N. Economos
2238 W. Independence Blvd.
Charlotte, N.C. 28208

Rep. Margaret Tennille
P. O. Box 5988
Winston-Salem, N.C. 27103

Mr. Phillip Z. Timmons
1112 Austin Drive
Fayetteville, N.C. 28301

President Pro Tempore's Appointments

Sen. Dallas L. Alford, Jr.
Cochairman
P. O. Drawer 229
Rocky Mount, N.C. 27801

Sen. Rowe Motley*
1726 Madison Ave.
Charlotte, N.C. 28216

Sen. Rachel G. Gray
239 South Main Street
High Point, N.C. 27260

Sen. Marvin Ward
641 Yorkshire Road
Winston-Salem, N.C. 27106

*Replaced Sen. Fred D. Alexander (Deceased)

Professional Staff: Mrs. Clay T. Knight Tele: 733-6182
Legislative Services Office

Clerical Staff: Mrs. Annie Teague Tele: 733-7760

SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
PUBLIC SCHOOL DROPOUTS

The Committee on Public School Dropouts has met five times: an organizational meeting on October 2, 1979; a meeting at which interested persons appeared and made formal presentations concerning the causes of and solutions to the dropout problem on

EDUCATION

December 5, 1979; a Committee work session on January 24, 1980; a meeting at which the Department on Public Instruction's Dropout Report was considered and recommendations were formulated on March 13, 1980; and a meeting at which the interim report was approved on May 14, 1980.

The Committee has prepared an interim report to present to the Legislative Research Commission for its approval and transmittal to the 1979 General Assembly (Second Session, 1980). The report includes the following recommendations:

- (1) That the State Board of Education develop guidelines for staff development concerning problems related to school dropouts for local school administrative units to follow; that local school administrative units provide two days of staff development at the beginning of the school term prior to commencement of classes for teachers concerning problems related to school dropouts.
- (2) That the 1979 General Assembly (Second Session, 1980) appropriate twenty-two million five hundred thousand dollars (\$22,500,000) to the State Board of Education to reduce the teacher-pupil ratio from 1:30 to 1:26 in grades 4-6.
- (3) That the 1979 General Assembly (Second Session, 1980) appropriate three million four hundred thirty-eight thousand dollars (\$3,438,000) to the State Board of Education to provide 84 additional Extended School Day Programs to make an Extended School Day Program available for each local school administrative unit.

(4) That the 1981 General Assembly appropriate sufficient funds to the State Board of Education to reduce the pupil-instructional support personnel ratio from 1:264 to 1:248. The Committee would like to see emphasis placed on guidance counselors because of the impact it feels they would have on the dropout problem.

(5) That the 1981 General Assembly appropriate nineteen million three hundred ninety-nine thousand nine hundred ten dollars (\$19,399,910) to the State Board of Education to expand basic skills instruction for low achievers in grades 9-12 to aid in the reduction of school dropouts.

PUBLIC SCHOOL FACILITY NEEDS (1979, c. 838 (S.B. 124))

Committee Members:

Speaker's Appointments

Rep. Horace Locklear
Cochairman
P. O. Box 1273
Lumberton, N.C. 28358

Rep. Fletcher Harris
P. O. Box 1569
Sanford, N.C. 27330

Rep. Ralph W. Ledford
P. O. Box 3005
Hendersonville, N.C. 28739

Mr. Clifford Winslow
Box 320
Belvedere, N.C. 27919

President Pro Tempore's Appointments

Sen. Helen Rhyne Marvin
Cochairman
119 Ridge Lane
Gastonia, N.C. 28052

Sen. Robert M. Davis, Jr.
P. O. Box 4179
Salisbury, N.C. 28144

Sen. Conrad R. Duncan, Jr.
Rt. 1, Box 282
Stoneville, N.C. 27048

Sen. Vernon E. White
P. O. Box 41
Winterville, N.C. 28590

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EDUCATION

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SCHOOL FINANCE STUDIES (1979, S.B. 124)

Committee Members:

Speaker's Appointments

Rep. Malcolm Fulcher, Jr.
Cochairman
Box 538
Atlantic Beach, N.C. 28512

Rep. Howard B. Chapin
Rt. 5, Box 419
Washington, N.C. 27889

Rep. George W. Miller, Jr.
200 Wachovia Building
Durham, N.C. 27702

Rep. Van. F. Phillips
P. O. Box 400
Spruce Pine, N.C. 28777

Rep. J. P. Huskins
Box 1071
Statesville, N.C. 28677

President Pro Tempore's Appointments

Sen. Marvin Ward
Cochairman
641 Yorkshire Road
Winston-Salem, N.C. 27106

Sen. Walter C. Cockerham
1108 Grecale Street
Greensboro, N.C. 27408

Sen. James H. Edwards
P. O. Box 1601
Hickory, N.C. 28601

Sen. Sam R. Noble
4330 Fayetteville Road
Lumberton, N.C. 28358

Sen. Jack Childers
16 West First Avenue
Lexington, N.C. 27292

Professional Staff: Mrs. Clay T. Knight Tele: 733-6182
 Mr. Gerry Cohen Tele: 733-6660
 Legislative Services Office

Clerical Staff: Mrs. Annie Teague

Tele: 733-7760

SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
SCHOOL FINANCE STUDIES

The Committee on School Finance Studies has met four times: an organizational meeting and three meetings at which interested persons appeared and made formal presentations concerning the current method of financing public education, including the salary schedules for certified public school employees. At the March 20, 1980, meeting, the Committee endorsed the Governor's Proposed Salary Schedule for certified public school employees.

The following issues have been raised during Committee discussions:

- (1) Salary schedule for public school professional personnel.
- (2) Constitutionality of the current method of State financing of public education.
- (3) Impact of local funding on equal educational opportunities statewide.
- (4) Recommendations to the 1979 General Assembly (Second Session, 1980).

The Committee plans to continue examining and evaluating recommendations contained in the reports of the (1) Governor's Commission on School Finance, (2) Allocation of Personnel to Local Units Study, and (3) Public School Salary Study.

II. ENERGY STUDY GROUP

Assigned Studies:

GASOHOL PRODUCTION AND DISTRIBUTION (1979, R. 64 (H.J.R. 1143))

Committee Members:

Speaker's Appointments

Rep. Vernon James
 Cochairman
 Route 1, Box 264
 Elizabeth City, N.C. 27909

Rep. David W. Bumgardner, Jr.
 P. O. Box 904
 Belmont, N.C. 28012

Mr. Hank Finch
 809 South King Street
 Fayetteville, N.C. 28301

Rep. Timothy H. McDowell
 Rt. 6, Box 96
 Mehane, N.C. 27302

Mr. Allen C. Ward
 Rt. 1, Box 127-A
 Shallotte, N.C. 28459

President Pro Tempore's Appointments

Sen. James B. Garrison
 Cochairman
 2121 Charlotte Road
 Albemarle, N.C. 28001

Sen. Cecil R. Jenkins, Jr.
 P. O. Box 65
 Kannapolis, N.C. 28081

Sen. I. Beverly Lake, Jr.
 P. C. Box 1306
 Raleigh, N.C. 27602

Sen. Joe H. Palmer
 Rt. 3, Box 23
 Clyde, N.C. 28721

Sen. Robert W. Wynne
 P. O. Box 12195
 Raleigh, N.C. 27605

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 Legislative Services Office

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HYDROELECTRIC GENERATION (1979, R. 80 (H.J.R. 1531))

Committee Members:

Speaker's Appointments

Rep. John M. Jordan
Cochairman
Saxapahaw
North Carolina 27340

Rep. Jeff H. Enloe, Jr.
Rt. 1, Box 38
Franklin, N.C. 28734

Mr. Lynn Eury
P. O. Box 1551
Raleigh, N.C. 27602

Mr. Fred Turnage
P. O. Drawer 1180
Rocky Mount, N.C. 27801

President Pro Tempore's Appointments

Sen. Jack Childers
Cochairman
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Sen. James B. Garrison
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Albemarle, N.C. 28001

Sen. Cecil R. Jenkins, Jr.
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Sen. Joe H. Palmer
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Clyde, N.C. 28721

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Legislative Services Office

Clerical Staff: Ms. Betsy Sykes Tele: 733-5604

SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON HYDROELECTRIC GENERATION

The Study Committee on Hydroelectric Generation of Power has met five times to discuss methods of encouraging the development of small-scale hydroelectric power generation.

Federal law requires utilities to purchase power from small-scale renewable energy sources at a rate not to exceed short-term avoided costs. The Committee has considered legislation to require utilities to purchase energy on the basis of long-term avoided cost, as determined by the Utilities Commission. This would enable renewable energy producers to receive more funds during the early years and put them in a better position to meet

their best service. The Committee has also considered a proposal to permit a higher rate of return to investor-owned utilities for investments in renewable energy plants. The Committee is also considering a proposal to exempt small-scale producers from regulation by the Utilities Commission.

The Committee anticipates making a report to the 1980 Session. The Committee may hold additional meetings before the 1981 Session to address any problems that may arise with respect to licensing of hydroelectric power producers.

III. ENVIRONMENT STUDY GROUP

Assigned Studies:

WASTE DISPOSAL (1979, c. 916 (S.B. 373))

Committee Members:

Speaker's Appointments

Rep. Charles Holt
Cochairman
Box 53157
Fayetteville, N.C. 28305

Rep. Roger W. Bone
3620 Mansfield Dr.
Rocky Mount, N.C. 27801

Rep. Eugene W. Merritt
1209 Essex Drive
Wilmington, N.C. 28403

Mr. Lonnie C. Poole, Jr.
P. O. Box 19026
Raleigh, N.C. 27619

President Pro Tempore's Appointments

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Cochairman
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Sen. Dallas L. Alford, Jr.
P. O. Drawer 229
Rocky Mount, N.C. 27801

Sen. William A. Creech
P. O. Box 826
Raleigh, N.C. 27602

Sen. Joseph E. Thomas
P. O. Box 337
Vanceboro, N.C. 28586

Professional Staff: Mr. Donald B. Hunt Tele: 733-7044
 Ms. E. Ann Christian Tele: 733-6182
 Legislative Services Office

Clerical Staff: Mrs. Hazel Cooper Tele: 733-5665

SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
THE MANAGEMENT OF WASTE DISPOSAL

The Study Committee on the Management of Waste Disposal, Hazardous and Toxic Substances, Air Pollution, Noise Pollution, and Pesticides has held six meetings. The Committee has heard testimony concerning the current division of responsibilities

among the departments of state government with respect to environmental programs. Overlaps exist and in many instances responsibilities are unclear. There does not appear to be any effective mechanism for coordinating many of the programs between the departments. The Committee has been working with the Executive Branch toward the goal of establishing more effective coordination with respect to these interrelated environmental programs. The Committee plans to recommend in its report to the 1980 Session several incremental solutions to problems that have arisen with respect to coordination among the departments. The Committee plans to hold a number of meetings before the 1981 Session to investigate further the management of environmental programs in these areas.

The Committee has also studied problems relating to the disposal of hazardous and low-level radioactive wastes and plans to recommend to the 1981 Session legislation concerning the siting of waste disposal facilities.

SPORTS ARENA (1979, R. 70 (S.J.R. 786))

Committee Members:

Speaker's Appointments

Rep. Allen C. Barbee
Cochairman
Barbee Building
Spring Hope, N.C. 27882

Rep. George A. Hux
114 Whitfield St.
Enfield, N.C. 27823

Rep. Tom E. Rabon, Jr.

President Pro Tempore's Appointments

Sen. Julian R. Allsbrook
Cochairman
P. O. Drawer 40
Roanoke Rapids, N.C. 27870

Sen. Larry B. Leake
55 Westall Avenue
Asheville, N.C. 28804

Sen. Marshall A. Rauch

P. O. Box 1
Winnabow, N.C. 28479

Box 609
Gastonia, N.C. 28052

Professional Staff: Mr. Conrad A. Airall Tele: 733-7044
 Mr. Clyde L. Ball Tele: 733-6660
 Legislative Services Office

Clerical Staff: Mrs. Joan Leatherman Tele: 733-5649

SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
THE SPORTS ARENA

The Sports Arena Study Committee was established originally under Resolution 119 of the 1975 General Assembly. That Resolution directed the Legislative Services Commission to "study the feasibility of constructing and financing a sports arena in North Carolina." Subsequent resolutions, notably Resolution 99 of the 1977 Session and Resolution 70 of the 1979 Session, have authorized the continuation of the study.

The Committee has met at various times beginning October 29, 1976, to March 28, 1980. The findings and recommendations of its deliberations through December 14, 1978, are contained in two reports to the General Assembly; one to the 1977 Session and the other to the 1979 Session. Copies of those reports are available through the Legislative Library.

The most recent meeting of the Sports Arena Study Committee was held on March 28, 1980, at which representatives of certain North Carolina universities expressed their views on various matters relative to the constructing and financing of the proposed facility. Among the matters discussed were: (1) the interest of

ENVIRONMENT

the institutions in using the facility, and (2) the overall need for a sports facility.

It is anticipated that two additional meetings will be held. The Committee has discretion to report to the 1981 Session.

IV. HUMAN RESOURCES STUDY GROUP

Assigned Studies:

AGING (1979, R. 62 (H.J.R. 68))

Committee Members:

Speaker's Appointments

Rep. Ernest B. Messer
Cochairman
15 Forest View Circle
Canton, N.C. 28716

Rep. Gus N. Economos
2238 W. Independence Blvd.
Charlotte, N.C. 28208

Mr. Claude Farrell
4709 Glen Forest Drive
Raleigh, N.C. 27612

Mr. Clyde Gordon
Box 1718
Burlington, N.C. 27215

Rep. Edd Nye
Courthouse Drive
Elizabethtown, N.C. 28337

President Pro Tempore's Appointments

Sen. Rachel G. Gray
Cochairman
239 South Main Street
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON AGING

From its inception in 1977, the Aging Committee has been a forum for senior citizens. Out of this free exchange has come an extensive package of legislation including:

- (1) tax relief
- (2) nursing home bill of rights
- (3) appropriation of \$12 million for in-home services.

Since much legislation has already been passed, the Committee has devoted most of its time in its four meetings since the 1979 Session to monitoring the success of this legislation. In some cases, the record of implementation has been less than was expected for some programs. For instance the in-home services money has not reached the intended recipients because of Department of Human Resources regulation process. Other programs seem to be working as intended such as the nursing home advisory committees.

Three pieces of legislation will be proposed in an interim report to the short session. They are:

1. An act to make jury service optional for persons 65 or older;
2. An act to give authority for counties and the Department of Human Resources to contract with third parties. This ability to contract was recently called into question by the North Carolina Supreme Court and would cause cessation of services in certain programs such as in-home services, recreation, and transportation; and
3. An act to provide immunity for certain persons regarding donated food made to nonprofit organizations.

The Committee after the short session will continue its monitoring function to see that the Executive Branch carries out

the intent of the General Assembly, and it will also inquire into improved means of keeping the elderly out of institutions and in their own homes.

RIGHTS OF ADOPTED CHILDREN (1979, R. 68 (H.J.R. 1313))

Committee Members:

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Rep. Edith Lutz
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President Pro Tempore's Appointments

Sen. Willis P. Whichard
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Durham, N.C. 27702

Sen. Anne Eagnal
2861 Wesleyan Lane
Winston-Salem, N.C. 27106

Sen. William W. Redman, Jr.
402 East Broad Steeet
Statesville, N.C. 28677

Sen. Edward Renfrow
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	Ms. Susan Sabre	Tele: 733-6660
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Clerical Staff:	Mrs. Doris Moore	Tele: 733-7664
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
RIGHTS OF ADOPTED CHILDREN

The Committee has met four times; the next meeting is scheduled for May 20th.

The Committee has heard testimony from one judge, four social

HUMAN RESOURCES

workers, two private adoption agency employees, six adoptees, six adoptive parents, two birth parents, two physicians, and one psychologist.

At its next meeting the Committee will review a draft of proposed legislation. The Committee is considering a bill which would open adoption records to adoptees and birth parents with the consent of all concerned parties.

THE WILDERNESS CAMP IN SURRY COUNTY (1979, R. 69 (S.J.R. 667))

Committee Members:

Speaker's Appointments

Rep. Louise Brennan
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON WILDERNESS CAMP - SURRY COUNTY

The Study on Wilderness Camp - Surry County was authorized by the First Session 1979 General Assembly to fully answer questions related to the opposition expressed by local residents concerning the placement of the camp in Low Gap, Surry County. With this in mind the Committee has met four times.

As part of its investigation the Committee held a public hearing at Low Gap to determine if the passage of time has made any difference in the negative feelings of the local people. Only one person spoke in opposition to the camp. Therefore, the Committee has determined that opposition seems to have subsided.

The Committee will make its final report to the 1979 General Assembly (Second Session) which will include no proposed legislation but will report the following:

1. The Committee recommends that North Carolina continue its participation in the wilderness camping program.
2. The Committee is particularly impressed with the cooperative arrangements between the Eckerd Foundation established through free enterprise and State government.
3. The Committee believes that the legislative and executive branches should explore the feasibility of establishing the same model for girls.
4. It is evident that the Department of Human Resources and its agents did a poor job in preparing the Low Gap Community for the placement of the camp.

V. LEGAL MATTERS STUDY GROUP

Assigned Studies:

EVIDENCE AND COMPARATIVE NEGLIGENCE
(1979, R. 65 (H.J.R. 1177))

Committee Members:

Speaker's Appointments

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Professor Robert Byrd
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Mrs. Frank Conner
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Smith, Moore, Smith, Schell
and Hunter
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The Honorable John C. Martin
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Sen. R. C. Soles, Jr.
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Clerical Staff:	Mrs. Shirley Phillips	Tele: 733-2962
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
EVIDENCE AND COMPARATIVE NEGLIGENCE

The Study Committee on Evidence and Comparative Negligence has met four times. The Committee heard testimony from interested parties concerning the desirability of codifying the laws of evidence and changing to a comparative negligence system.

The Committee is studying the Federal Rules of Evidence and considering what changes the rules would make with respect to North Carolina practice. So far, the Committee has studied approximately half of the 60 rules and made tentative modifications to some of the rules. However, many of these rules will require further consideration and many of the most difficult rules, such as those governing hearsay, have not yet been considered. The Committee anticipates that many more meetings will be required to complete consideration prior to the 1981 Session.

The Committee has also studied the concept of comparative negligence. Although the Committee has not yet made a determination with respect to the desirability of adopting

LEGAL MATTERS

comparative negligence, the Committee has begun to study a draft of legislation that addresses the issues concerning comparative negligence. The Committee anticipates that several more meetings will be required to refine the proposal.

PRODUCTS LIABILITY LAWS (1979, c. 979 (H.B. 1311))

Committee Members:

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Rep. Parks Helms
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President Pro Tempore's Appointments

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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON PRODUCTS LIABILITY

The Committee has not convened yet for two reasons: (1) the effects of the products liability legislation enacted in 1979 will not be discernible until at least one year after its effective date and (2) the information about products liability insurance claims experience from the reports of insurers that are required by 1979 Session Laws Chapter 979 will not be available until shortly after June 1, 1980.

The Committee Counsel has been researching the 1979 North Carolina legislation and the uniform products liability legislation recommended by the U. S. Department of Commerce, and has been monitoring the insurance market in North Carolina.

The Committee's first meeting will probably be held shortly after the 1980 Session. At that time the Committee will determine the scope of the study and receive information about any technical problems with the 1979 North Carolina legislation. Most of the Committee meetings will be held in the fall, at which time the Committee will hear from insureds, insurers, and consumer groups.

LIQUOR LAWS AND LAND REGISTRATION

VI. LIQUOR LAWS AND LAND REGISTRATION STUDY GROUP

Assigned Studies:

ALCOHOLIC BEVERAGE CONTROL LAWS (1979, R. 75 (H.J.R. 279))

Committee Members:

Speaker's Appointments

Rep. James F. Morgan
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Rep. Roy Spoon
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Rep. Henry Tyson
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
ALCOHOLIC BEVERAGE CONTROL LAWS

The Committee on Alcoholic Beverage Control Laws has held seven meetings to date. The committee staff has prepared an outline of a new ABC laws chapter to replace the current Chapter 18A of the General Statutes, and the committee is following the outline as a

starting point and general guide for the revision. Drafts of the articles covering the following topics have been considered by the committee:

State Administration

Local Administration

Law Enforcement

Elections

The Committee will need to meet monthly between the 1980 and 1981 Sessions of the General Assembly in order to complete its work.

OWNERSHIP OF LAND IN N. C. BY ALIENS OR FOREIGN CORPORATIONS
(1979, R. 61 (S.J.R. 897))

Committee Members:

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Mr. Durwood Laughinghouse
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Sen. Glenn Jernigan
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LIQUOR LAWS AND LAND REGISTRATION

SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON ALIEN LANDHOLDING

The Committee held its first meeting on January 23, 1980, at which time it: (1) received data on the extent of holdings of agricultural and forest land in North Carolina by alien individuals and corporations, (2) discussed the possible reasons for and effects of the nationwide phenomenon of foreign investment in American real estate, and (3) was briefed by the Committee Counsel on the efforts of other states and the federal government to deal with foreign investment.

The second meeting of the Committee was held on March 25, 1980. The Committee at that time (1) received updated information on foreign investment in North Carolina agricultural and forest land, and (2) was briefed by the Committee Counsel on the legal aspects of state restrictions on such foreign investment.

The Committee has tentatively scheduled a third meeting for September 15, 1980. By this time one year will have elapsed since North Carolina began receiving reports from the federal government on agricultural land holdings of aliens, and there should be enough data on which to reach a decision about recommendations.

VII. MOTOR VEHICLE MATTERS STUDY GROUP

Assigned Studies:

DRIVERS' EDUCATION AND SCHOOL BUS DRIVERS' PROGRAMS
(1979, R. 69 (S.J.R. 667))

Committee Members:

Speaker's Appointments

Rep. Neal Smith
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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
DRIVERS' EDUCATION AND SCHOOL BUS DRIVERS' PROGRAMS

The Committee on Drivers' Education and School Bus Drivers' Programs has met three times: an organizational meeting on November 9, 1979, and two meetings at which statements were made concerning school bus safety and the drivers' education program

MOTOR VEHICLE MATTERS

from transportation supervisors and drivers' education directors from local school administrative units, school bus drivers, representatives from the Divisions of Safety and Transportation, Department of Public Instruction, Mr. John Lacey, Highway Safety Research Center, University of North Carolina, and representatives from the Traffic Safety Education Section of the Division of Motor Vehicles.

The Committee planned a schedule of five meetings within the budget allocation. It has two scheduled meetings remaining.

The Committee is scheduled to meet at 10:00 a.m., September 9, 1980.

FADAR AND OTHER ELECTRONIC DEVICES (1979, R. 71 (S.J.R. 876))

Committee Members:

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MOTOR VEHICLE MATTERS

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Tele: 733-5890

FINAL REPORT MADE TO THE GENERAL ASSEMBLY. COPIES DISTRIBUTED TO MEMBERS. COPIES OF THE REPORT ARE AVAILABLE IN THE LEGISLATIVE LIBRARY.

VIII. PUBLIC PROPERTY STUDY GROUP

Assigned Studies:

CENTRAL PIEDMONT STATE PARK (1979, R. 73 (H.J.R. 923))

Committee Members:

Speaker's Appointments

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Sen. Ralph H. Scott
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*Replaced Sen. Fred D. Alexander (Deceased)

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SUMMARY OF ACTIVITIES OF THE STUDY COMMITTEE ON
CENTRAL PIEDMONT PARKS

The Central Piedmont Park Study Committee has held four of the five meetings it originally approved in its budget. The Committee has pursued the charge set out in HJR 923 to study the

need for parks and recreational areas in eight counties of the Central Piedmont area (Alamance, Guilford, Forsyth, Davidson, Davie, Rowan, Randolph, and Cabarrus).

During the Committee's organizational meeting, held November 13, 1979, the Committee was presented with a discussion of the recreational facilities, small watershed projects and an Open Space Plan for the Central Piedmont, a State land acquisition plan and a discussion of funds available for land acquisition in North Carolina.

The December 11, 1979 meeting focused on a response to specific questions raised orally, or in writing, by Committee members. These questions and responses were primarily concerned with information regarding the "Randleman Lake Project" and the "High Rock Lake Property."

The third meeting, held January 15, 1980, was highlighted by a presentation by the Davidson County Board of Commissioners of a proposed site for a State park on the High Rock Lake. A comparison of recreation benefits from the Randleman Reservoir and High Rock Lake was also presented, as well as a description of the appraisal procedure as it relates to the purchase of park and recreation land.

The Committee accepted the invitation extended by the Davidson County Board of Commissioners to view the High Rock Lake Property and met in Lexington on May 15, 1980. At that meeting a member of the Parks and Recreation Department for Cabarrus County presented an overview of that county's recreational needs and

plans to meet these needs. The Committee then proceeded to make an on-site inspection of the High Rock Lake Site in Davidson County.

Another Committee meeting is scheduled for June 10, 1980.

DESIGN, CONSTRUCTION AND INSPECTION OF PUBLIC FACILITIES (1979, R. 60, (S.J.R. 648))

Committee Members:

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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
THE DESIGN, CONSTRUCTION & INSPECTION OF PUBLIC FACILITIES

The Committee has held five meetings to date; the next meeting is tentatively scheduled for June. The Committee has heard testimony from the Departments of Education and Administration, the University Board of Governors, the School Board Association, the Association of County Commissioners, the League of Municipalities, North Carolina State University, and representatives from all phases of the construction industry.

At its next meeting the Committee plans to review drafts of proposed legislation.

IX. PUBLIC SERVICE STUDY GROUP

Assigned Studies:

RESCUE SQUADS RETIREMENT INCENTIVES
(1979, R. 63, (H.J.R. 617))

Committee Members:

Speaker's Appointments

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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
RESCUE SQUADS RETIREMENT INCENTIVES

The Rescue Squads Retirement Incentives Study Committee of the Legislative Research Commission has held one meeting and received testimony from the Firemen's Pension Fund secretary, Mrs. Clara Pittman, on the operation of the Fund and the funding method.

The Committee has viewed the Firemen's Pension Fund as an example for the proposed Rescue Squad Retirement Fund.

The Committee requested that the staff receive information on the number of rescue squad members and the present standards for rescue squads. The Rescue Squad Association is to provide information to the Committee for standards for proposed inclusion in the retirement system.

The Committee plans two additional meetings--one during the 1980 session of the General Assembly and one in the fall to approve the report to the 1981 General Assembly.

STATE EMPLOYEES ALTERNATIVE WORK SCHEDULE (1979, c. 997 (H.B. 1066))

Committee Members:

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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
STATE EMPLOYEES ALTERNATIVE WORK SCHEDULES

The Alternative Work Schedules Study Committee of the Legislative Research Commission has held one meeting and received testimony from the State Employees' Association concerning the desire of state employees for additional work schedules and more flexible work schedules. The Committee also heard from Ms. Betty Brooks of the Division of State Personnel who described the present alternatives available to state employees for flexible working hours and work days.

The Committee requested that the staff and the Division of State Personnel prepare a questionnaire to be circulated throughout State government to allow state employees to express their desire for different types of work schedules and to make suggestions for those kinds of schedules which would be beneficial to state employees.

The Committee plans two additional meetings prior to the 1981 session of the General Assembly--one to receive results of the survey and take additional testimony from interested groups, and the final meeting to be devoted to approval of the report to the 1981 General Assembly.

RETIREMENT COVERAGE FOR TEMPORARY STATE EMPLOYEES
(1979, c. 939 (S.B. 385))

Committee Members:

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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON TEMPORARY EMPLOYEES RETIREMENT COVERAGE

The Study Committee on Retirement Coverage for Temporary State Employees has held one meeting and plans at least four additional meetings prior to making its report to the 1981 Session of the General Assembly.

The Committee discussed the work done by the 1978-79 Study Committee and the inclusion of legislative employees in the Retirement System. The Committee received a report from the State Retirement System on temporary employees and their status under current law. The Retirement System had not identified any major problems with the inclusion of legislative employees in the System but highlighted several areas of concern for the Committee

to be aware of; most particularly the need to fund additional liability to the Retirement System created by covering additional employees.

The Committee discussed the need for information from State Departments and agencies concerning the number of temporary positions funded by the General Assembly. The Committee is also concerned about consultants--contractual employees who are not permanent employees, and "interim" teachers who are not permanent employees and therefore are not in the Retirement System.

The Committee directed the staff to gather information on these subjects and report back to the Committee at the next meeting.

LAW ENFORCEMENT OFFICERS SALARY CONTINUATION PLAN (1979, c. 943 (S.B. 683))

Committee Members:

Speaker's Appointments

Rep. William H. McMillan
Cochairman
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Colonel Edwin Guy
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Mr. Howard Kramer
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Mr. Thomas H. Morrissey
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President Pro Tempore's Appointments

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Sen. Walter C. Cockerham
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Sen. Glenn Jernigan
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FINAL REPORT MADE TO THE GENERAL ASSEMBLY. COPIES DISTRIBUTED TO MEMBERS. COPIES OF THE REPORT ARE AVAILABLE IN THE LEGISLATIVE LIBRARY.

X. TAXATION STUDY GROUP

Assigned Studies:

STATE REVENUE SHARING (1979, R. 67, (H.J.R. 1299))

Committee Members:

Speaker's Appointments

Rep. E. Graham Bell
 Cochairman
 P. O. Box 1292
 Gastonia, N.C. 28052

Rep. John T. Church
 P. O. Drawer 947
 Henderson, N.C. 27536

Rep. Robert Lee McAlister
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 Ruffin, N.C. 27326

Rep. Betty D. Thomas
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 Concord, N.C. 28025

The Honorable W. Stanford White
 Manns Harbor, N.C. 27953

Mr. Bud Black
 P. O. Drawer 1
 Cherryville, N.C. 28021

President Pro Tempore's Appointments

Sen. Benjamin D. Schwartz
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 Wilmington, N.C. 28403

Sen. T. Cass Ballenger
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 Hickory, N.C. 28601

Sen. Harold W. Hardison
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Sen. Robert B. Jordan, III
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 Mt. Gilead, N.C. 27306

The Honorable John T. Henley
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Sen. Russell G. Walker
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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON
 STATE REVENUE SHARING

The Committee has held five meetings to date. The Committee has heard testimony from representatives of the Departments of Revenue, Human Resources, and State Treasurer, the Fiscal Research Section of the Legislative Services Office, the Association of County Commissioners, the League of Municipalities, and the Institute of Government.

The Committee is currently considering legislation which would distribute a portion of the general revenues to counties and municipalities. The Committee is submitting an interim report to the Legislative Research Commission.

REVENUE LAWS (1979, R. 83, (S.J.R. 94))

Committee Members:

Speaker's Appointments

Rep. Daniel T. Lilley
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Mr. Linwood Davis
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Mr. Robert F. Clodfelter
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Mr. Richard E. Thigpen
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Sen. Jack Childers
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Sen. Larry B. Leake
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Asheville, N.C. 28804

Mr. Robert H. Merritt, Jr.
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SUMMARY OF THE ACTIVITIES OF THE STUDY COMMITTEE ON THE STUDY OF REVENUE LAWS

The Legislative Research Commission's Study Committee on Revenue Laws has held six committee meetings to date.

At the last meeting, the Committee approved an interim report to be submitted to the 1980 Session which included legislation making either technical revisions or substantive changes in the sales and use tax, intangibles tax, individual income tax, property tax, and gasoline tax.

The Committee report also included a bill appropriating eight thousand dollars (\$8,000) to the Legislative Research Commission for further study of the revenue laws by the Committee. The eight thousand dollars (\$8,000) appropriated by the Legislative Research Commission to the Committee for the biennium has been expended, and there remain many areas of the revenue laws which desperately need further review. If the additional appropriation is made, the Committee will continue its study of the intangibles tax, the sales and use tax, tax incentives for incoming and existing industries, and other areas of the revenue laws.

XI. COMMITTEE TO STUDY ADMINISTRATIVE RULES
LEGISLATIVE RESEARCH COMMISSION

ADMINISTRATIVE RULES (G.S. 120-30.24 - 120.30.35)

Committee Members:

Speaker's Appointments

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Fayetteville, N.C. 28304

Rep. Charles D. Evans
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Nags Head, N.C. 27959

Rep. James F. Morgan
P. O. Box 2756
High Point, N.C. 27261

Rep. Kenneth B. Spaulding
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President Pro Tempore's Appointments

Sen. Robert B. Jordan, III
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REPORT WILL BE MADE ON COMMITTEE'S WORK TO THE 1980 SESSION OF
THE GENERAL ASSEMBLY.

CHAPTER 120. GENERAL ASSEMBLY

ARTICLE 6C.

Review of Administrative Rules.

§ 120-30.24. Definitions.--As used in this Article:

- (1) "Agency" means every agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the executive branch of State government, any provision of any other statute to the contrary notwithstanding. The provisions of this Article do not apply to agencies in the judicial branch of State government, agencies in the legislative branch of State government, the Industrial Commission, the Utilities Commission, the Employment Security Commission, counties, cities, towns, villages, other municipal corporations or political subdivisions of the State or any agencies of such subdivisions, county or city boards of education, the University of North Carolina, other local public districts, units, or bodies of any kind, or private corporations created by act of the General Assembly.
- (2) "Commission" means the Legislative Research Commission.
- (3) "Committee" means the Administrative Rules Review Committee created by G.S. 120-30.26.

(4) "Director" means the Director of Research of the Legislative Services Commission.

(5) "Rule" means every rule, regulation, ordinance, standard, and amendment thereto or repeal thereof adopted by any agency and includes rules and regulations regarding substantive matters, standards for products, and procedural rules for complying with statutory or regulatory authority or with requirements or executive orders of the Governor.

"Rule" does not include:

- a. Rules, procedures, or regulations that relate only to the internal management of an agency;
- b. Directive or advisory opinions to any specifically named person or group with no general applicability throughout the State;
- c. Disposition of any specific issue or matter by the process of adjudication; or
- d. Orders establishing or fixing rates or tariffs.

(1977, c. 915, s. 1; 1979, c. 541, s. 3.)

§ 120-30.35. Filing of rules.--(a) On October 1, 1977, the Attorney General shall transfer to the office of the Legislative Research Commission a copy of every rule that has been filed with him pursuant to Article 5 of General Statutes Chapter 150A. Rules adopted prior to October 1, 1977, may be reviewed by the Committee and by the Commission.

(b) Rules adopted by an agency on or after October 1, 1977, shall be filed in the office of the Director prior to the filing made with the Attorney General pursuant to G.S. 150A-59.

(c) The rules filed with the Director pursuant to subsection (b) of this section shall be accompanied by a report. This report shall contain:

- (1) A brief summary of the content of the rule if adopted or repealed, or a brief summary of the change in the rule if amended;
- (2) A citation of the enabling legislation purporting to authorize the adoption, amendment, or repeal of the rule;
- (3) A statement of the circumstances that required adoption, amendment, or repeal of the rule; and
- (4) A statement of the effective date of the rule.

(d) Executive orders of the Governor are required to be filed, but executive orders of the Governor are not subject to the provisions of G.S. 120-30.28 through G.S. 120-30.35. (1977, c. 915, s. 1.)

§ 120-30.26. Administrative Rules Review Committee.--There is created a permanent committee of the Legislative Research Commission to be known as the Administrative Rules Review Committee. The Committee shall be composed of seven members. On October 1, 1977, and biennially thereafter, the cochairmen of the Commission shall appoint the Committee members from the membership of the General Assembly for terms of two years, and the members so appointed shall elect one of their number to serve

as chairman. Any vacancy that occurs in the membership of the Committee for any reason other than the expiration of a term shall be filled for the remainder of the unexpired term by election of a member of the General Assembly by the Commission at its next meeting after the occurrence of the vacancy. The Committee shall perform all of the duties of the Commission with respect to reviewing rules of administrative agencies except as provided in G.S. 120-30.35. (1977, c. 915, s. 1; 1979, c. 1030, s. 3.)

§ 120-30.27. Meetings of Committee.--The Committee shall meet at least monthly at times and places specified by the chairman. The members of the Committee shall be compensated for attending meetings as provided in G.S. 120-30.18. Professional, clerical or other employees required by the Committee shall be provided in accordance with G.S. 120-32. (1977, c. 915, s. 1.)

§ 120-30.28. Review of rules.--(a) After a rule is filed with the Director, he shall submit it to the Committee, which may determine whether or not the agency acted within its statutory authority in promulgating the rule.

(b) If the Committee finds that an agency did not act within its statutory authority in promulgating a rule the Committee shall report that fact to the Director who shall transmit the report to the agency that made the rule. The report shall include a written statement of the Committee's objections and the reasons therefor.

(c) The Committee shall review a rule submitted to it by the

Director within 60 days following the submission of the rule.
(1977, c. 915, s. 1.)

9 120-30.29. Objections of Committee.--The agency that filed a rule to which the Committee objects may amend the rule to remove the cause of the Committee's objections and return the rule to the Committee for further review. The agency may return the rule without change with the Committee's notation of objection attached. The agency shall return the rule with or without change within 60 days of the notification to the agency of the Committee's objection. When the rule to which the Committee has objected is returned without change, the rule and notation of objection shall be referred by the Director to the Commission.
(1977, c. 915, s. 1.)

9 120-30.35. Review of rule by Legislative Research Commission.--(a) The Commission may review the rule in the same manner as the Committee to determine whether or not the agency acted within its statutory authority in promulgating the rule.

(b) If the Commission determines that an agency did not act within its statutory authority in promulgating a rule, a written statement of its objections and statement of its reasons shall be attached to the rule, and the rule and objection and statement of reasons shall be forwarded to the Director, who shall transmit it to the rule-making agency.

(c) The Commission shall act on the rule submitted in accordance with G.S. 120-30.29 within 60 days after the rule was returned to the Committee by the rule-making agency. (1977, c. 915, s. 1.)

§ 120-30.31. Regulation objected to by Legislative Research Commission.--The agency may revise a rule to remove the cause of the objections of the Commission, and may return the revised rule to the Commission or it may return the rule without change with the Commission's objections attached. The agency shall return the rule with or without change within 30 days of the notification to the agency of the Commission's objections. (1977, c. 915, s. 1.)

§ 120-30.32. Reports of the Committee.--The Committee shall report monthly to the Commission on all actions taken on rules. (1977, c. 915, s. 1.)

§ 120-30.33. Legislative Research Commission recommendations.--All rules that have been reviewed by the Committee and the Commission shall remain in effect. If the agency returns the rule with the Committee or Commission objections attached without change, the Commission may submit a report to the next regular session of the General Assembly recommending legislative action.

§ 120-30.34. Emergency rules.--Rules adopted in accordance with the procedures of G.S. 150A-13 may be reviewed by the Committee. The Committee, in addition to reviewing the rules, may review the reasons given in the agency finding of emergency. (1977, c. 915, s. 1.)

§ 120-30.35. Hearings.--(a) Notwithstanding the provisions of G.S. 120-30.28(c) and G.S. 120-30.35(c), the cochairmen of the Commission may call a public hearing on any rule upon the

recommendation of the Committee or upon the motion of any member of the Commission.

(b) At least 15 days before the hearing, notice of the hearing shall be given to the rule-making agency and to such other persons that desire to be heard, that the cochairmen of the Commission consider to be persons that may be affected by the rule, or that may request copies of the notice.

(c) The provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee and the Commission. (1977, c. 915, s. 1.)

